



## ADULT COMMUNITY CORRECTIONS DIVISION STANDARD OPERATING PROCEDURES

Procedure No.: ACCD 1.8.200	Subject: <b>VICTIM-OFFENDER DIALOGUE</b>
Reference: ACCD 1.1.100; ACCD 1.8.100; DOC 1.3.16; DOC 1.8.1; DOC 1.8.2	Page 1 of 4
Effective Date: 04/17/14	Revision Dates:
Signature / Title: /s/ Pam Bunke, ACCD Administrator	

### I. DIVISION DIRECTIVE:

The Adult Community Corrections Division programs and facilities will follow established procedures when providing victim-offender dialogue between adult offenders under supervision of the Department of Corrections and their victims.

### II. DEFINITIONS:

ACCD-Adult Community Corrections Division Program/Facility – The Division includes the Adult Interstate Bureau; the Probation and Parole Bureau which provides the Day Reporting Programs (DRP), Intensive Supervision Programs (ISP), and Enhanced Supervision Program (ESP); the Missoula Assessment and Sanction Center (MASC); and the Facilities Program Bureau which includes Treasure State Correctional Training Center (TSCTC), and the contracted facilities of Prerelease Centers (PRC), Sanction Treatment Assessment Revocation & Transition (START), Warm Springs Addiction Treatment and Change Program (WATCH), Connections Corrections Program (CCP), Passages Alcohol and Drug Treatment (Passages ADT), Passages Assessment Sanction & Revocation Center (Passages ASRC), NEXUS Correctional Treatment Center (NEXUS), and Elkhorn Treatment Center (Elkhorn).

Department – The Montana Department of Corrections.

Facilitator – A trained mediator who meets the Department's requirements to facilitate a victim-offender dialogue.

Prerelease Facility Contract Manager – The Department's employee who acts as the liaison for services and monitors the contractual agreements between the Department and prerelease centers: Alpha House PRC, Gallatin County Re-entry Program, Butte PRC, Great Falls Transition Center, Helena PRC, and Missoula PRC.

Treatment Facility Contract Manager – The Department's employee who acts as the liaison for services and monitors the contractual agreement between the Department and ACCD contract treatment facilities: START, CCP, Passages, Elkhorn, Nexus, and WATCH.

Victim – The person against whom a felony crime has been committed or a family member of that person. Other individuals may be recognized as victims on a case-by-case basis.

Victim/Offender Dialogue – A voluntary program that allows a victim as defined above, or an adult acting on behalf of a victim who is under age 18, to discuss the impacts of the crime with the offender with the assistance of a trained facilitator.

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VPM-Victim Programs Manager – A Department employee located in the Director’s Office who manages victim programs and policies, responds to victims’ requests for information and referrals, provides victim services training, and represents victims’ interests in all Department matters.

### **III. PROCEDURES:**

The Department adopted *DOC 1.8.2 Victim-Offender Dialogue (VOD)* in 2006 to provide victims an opportunity to begin healing from the traumatic effects of crime. VOD also helps offenders take responsibility for their actions and express remorse. The VPM serves as the program manager and dialogues are facilitated by volunteers who meet specific qualifications.

#### **A. VOD Criteria**

1. Only victims may initiate the VOD process.
2. All requests from victims will be forwarded to the VPM.
3. The offender’s participation will be voluntary.
4. Before allowing the VOD process, the Facility Administrator, or designee, will:
  - a. meet with the VPM to discuss the offender’s participation in the VOD process;
  - b. meet with the offender to discuss participation in the VOD process; and
  - c. consider the following issues:
    - i. the safety of all participants;
    - ii. facility security issues
    - iii. the offender’s disciplinary record; and
    - iv. the offender’s stability.
5. VOD will not generally be approved in domestic violence or stalking cases. The VPM may consider exceptions on a case-by-case basis after separate consultations with the victim, the offender, and at least one person directly involved with the offender’s treatment plan.
6. Participants must be at least 18 years old. Parents or legal guardians of victims under 18 may represent the minor’s interest in a VOD.
7. The victim and offender may each have a support person throughout the process. Attorneys who provide legal representation for the crime relevant to the VOD generally may not act as support persons.
8. Victims and facilitators will be responsible for their own expenses associated with the VOD. The Department Director may approve travel expenses for victims and facilitators, not to exceed the state employee per diem and personal vehicle mileage rate.
9. The victim, offender and/or facilitator may end the VOD process at any time.
10. The facility administrator, or designee, may cancel the VOD for good cause after consulting with the victim, VPM and facilitator.
11. Offenders involved in legal appeals may not participate in the VOD.

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12. The victim and offender must agree in advance that they will complete an initial evaluation immediately following the VOD and a follow-up evaluation within three (3) months.
13. VOD participation will not be noted in offender files.

#### **B. VOD Preparation**

1. The victim and offender must sign the following attachments:
  - a. *DOC 1.8.2 (Attachment) Release of Liability* form agreeing that:
    - i. they are participating in the process voluntarily; and
    - ii. they will not hold the Department liable for any negative consequences of the VOD process.
  - b. *DOC 1.8.2 (Attachment) Acknowledgement of Understanding* indicating they understand the purpose and potential outcomes of the VOD process.
2. The VPM will conduct initial interviews with the victim and offender to evaluate their emotional stability and expectations.
3. The victim, facilitator and support person(s) will receive advance notice of the facility rules and entrance procedures.
4. The Facility Administrator, or designee, will review the VOD request with the VPM and facility's liaison and sign the appropriate paperwork authorizing entrance into the facility for the victim, support person(s) and facilitator.
5. The victim, support person(s) and facilitator must pass visitor background checks and will be searched prior to entering an alt-secure facility.
6. The victim and support person(s) will be encouraged to take a facility tour prior to the dialogue.

#### **C. VOD Process**

1. The VOD occurring at a facility will be held at a location designated by the Facility Administrator. The VPM will make arrangements for a VOD occurring with an offender on community supervision.
2. The facilitator(s) will brief the victim and offender separately before the process occurs and debrief both parties separately afterward.
3. Facility Administrator, or designee, will arrange for security immediately outside the VOD meeting room.

#### **D. VOD Follow-Up**

1. The facilitator(s) will complete a separate debriefing in person or by telephone with the victim and offender within one (1) week of the VOD.
2. The facilitator(s) and/or VPM will complete evaluations in person or by telephone with the victim and offender at two (2) months, six (6) months, and one (1) year after the VOD.
3. The Facility Administrator, or designee, will monitor the offender after the VOD to detect emotional consequences requiring intervention.

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#### **E. VOD Facilitators**

1. Facilitators must meet all qualifications for VOD as outlined in *DOC 1.8.2 (Attachment) Facilitator Qualifications*.
2. Facilitators must meet the requirements of, and complete paperwork required in, *DOC 1.3.16 Volunteer Services*.
3. The VPM will assign facilitators to VOD cases.

#### **IV. CLOSING:**

Questions concerning this procedure should be directed to the VPM or appropriate Contract Manager.

#### **V. FORMS:**

DOC 1.8.2 (Attachment)	Release of Liability
DOC 1.8.2 (Attachment)	Acknowledgement of Understanding
DOC 1.8.2 (Attachment)	Facilitator Qualifications
DOC 1.3.16 (Attachment)	Volunteer Service Agreement